HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18361 of 2006

Dated:04.09.2006

Between:

Smt.P.Prameela.

…Petitioner

and

Govt.of A.P., and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18361 of 2006

ORDER:

The petitioner purchased the land admeasuring 250 square yards with House Nos.1-7-666 to 671 under registered sale deed dated 23.09.1960 from B.Yadagiri Rao. In the year 2005 in connection with a loan, the petitioner wanted to avail from the Financial Institutions, she came to know that the property she purchased is a Government land. She was advised to seek regularization under the relevant Government Orders. She accordingly made an application on 11.08.2005 to the second respondent. By memo No.R2/9022/2006, dated 11.04.2006, the second respondent informed the petitioner that her request for regularization has been examined and provisionally approved. She was requested to pay a sum of Rs.05,10,400/- for taking further action for regularization. She was asked to pay 25% of the amount i.e., Rs.1,27,600/- within thirty days from the date of receipt of a copy of the said memo and the balance 75% i.e., Rs.3,82,800/- in three equal six monthly installments. Aggrieved by the same, the petitioner filed the instant Writ Petition seeking a direction to the respondents to apply the rates prescribed in G.O.Ms.No.455, dated 29.07.2002.

After hearing the learned Counsel for the petitioner and the

learned Assistant Government Pleader for Revenue (General), this Court is of considered opinion that this Writ Petition is wholly misconceived. The petitioner sought regularization of her occupation of Government land which is, at present; governed by the guidelines contained in G.O.Ms.No.1601, dated 29.08.2005, which prescribes the method and manner for regularizing the encroachment/occupation of Government land for residential purposes and the amount to be paid by the occupant seeking regularization. While issuing the memo, dated 11.04.2006, the second respondent informed that her application has been examined as per the provisions of G.O.Ms.No.1601, dated 29.08.2005. Therefore, the orders of the Government in G.O.Ms.No.455, dated 29.07.2002, have no application. The said Government Order was issued by the Government laying down guidelines for allotment of excess vacant land under Section 23 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'). When the petitioner sought regularization of her occupation of Government land under G.O.Ms.No.1601, the rates for allotment of excess vacant land prescribed in G.O.Ms.No.455 cannot be applied. The regularization of occupation/encroachment of Government land is altogether different from allotment of land under Section 23 of the ULC Act.

The Writ Petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

04.09.2006
vs